

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

VOCALSPACE, LLC

Plaintiff,

v.

DANIEL D. LORENZO and
LARKSPARK CORPORATION,

Defendant.

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Civil Action No. 4:09-CV-00350

**EMERGENCY MOTION TO EXTEND DEADLINES FOR DEFENDANTS
RESPONSES TO MOTIONS FOR SUMMARY JUDGMENT**

COME NOW Defendants Daniel D. Lorenzo and Larkspark Corporation and files this Emergency Motion to Extend Deadlines for Defendants Responses to Motions for Summary Judgment, and in support thereof, respectfully show the following:

Defendant Daniel Lorenzo was in Europe for most of December, and was due back in Texas on December 21, 2010. Due to severe weather problems affecting flights to the United States, Daniel Lorenzo was stuck in Frankfurt, Germany for several days and did not make it back to Texas until the evening of December 23, 2010. See Declaration of Daniel Lorenzo, attached as Exhibit A.

Christmas eve was the next day after Lorenzo's return, followed by Christmas day.

For this past week defendant Lorenzo and his attorney has been working diligently on the responses to both of Plaintiffs summary judgment motions (Docket Nos.101 and 103), which have proven to be a daunting task, more involved that what was first anticipated given the

complexities of the case and extensive discovery that has taken place. See Declaration of Ernest Nycz, attached as Exhibit A.

To make matters worse, while Daniel Lorenzo was overseas prior to Christmas his hard drive on his apple computer failed in the middle of his trip. That computer hard drive contained all of the work that he had been working on relating to the response to summary judgment motions. Due to the Christmas holiday, he was not able to purchase a new hard drive and restore the data on the failed hard drive until December 28, 2010. Declaration of Daniel Lorenzo, attached as Exhibit A.

At the time of this filing, which is New Years Eve, defendants have completed over seventy ninety percent of the responses, and have mostly printing and scanning tasks left to accomplish. Typically, Defendants attorney relies on one of the Kinkos in Plano, Texas for printing and scanning tasks and unfortunately, defendants attorney did not realized that all area Kinkos offices closed at 6:00 pm this evening for new years eve and are closed on New Years Day. All area Kinkos offices will be open again on Sunday, January 2, 2011. See Declaration of Ernest Nycz, attached as Exhibit A.

Defendants request an extension for the time to respond to Plaintiff's Summary Judgment motions for two extra days, from the current deadline of Friday, December 31, 2010 until Sunday January 2, 2011.

The defendants have shown good cause for this request for extension, and have filed for the extension before the deadline has run. Plaintiff will not be prejudiced in any way by this extension, as the extension request is from Friday (New Years Eve) until Sunday night, just 2 days later. No deadlines should be affected by this extension and this trial should proceed to trial as expected. In addition, it is worthy to note that today's filing date was a federal holiday, a

fact not known to the undersigned when today's deadline was suggested. See Declaration of Ernest Nycz, attached as Exhibit A.

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that this Court enter an Order granting an extension for the deadline for Defendants to respond to Plaintiffs Summary Judgment Motions from December 31, 2010 until January 2, 2010.

Respectfully submitted,

/s/ Ernest P. Nycz
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ATTORNEY FOR DEFENDANTS

CERTIFICATE OF CONFERENCE

I certify that I have discussed the issue of this request for extension with opposing attorney Neal Massand via telephone and that he stated that Plaintiff was opposed to this motion to extend.

/s/ Ernest P. Nycz
ERNEST P. NYCZ

CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2010 a true and correct copy of the foregoing motion has been electronically filed on the CM/ECF system and emailed to the following attorney : Neal G. Massand (Attorney for Plaintiff)

/s/ Ernest P. Nycz
ERNEST P. NYCZ